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United States District Court  
Southern District of New York

2022 MAR -1 AM 10:19

Tyron Felder,

Petitioner,

20-CV-7531

SZ 14-CR-546

Against

United States of America,

Respondent

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 3/2/22

Petitioner's motion to correct, Alter,  
Amend the court's findings and the  
Judgement Entered February 4, 2022  
Pursuant to Fed. R. Civ. P. 52(b), 59(e) and  
~~XXXXXX~~, Petitioner Tyron Felder, respectfully  
request this court to reconsider its prior  
findings and correct, Alter, Amend its decision


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entered on February 4, 2022 Petitioner  
Submits the following in support thereof.

① on February 4, 2022 this court denied  
Petitioner's first motion for reconsideration.

② In denying his first motion for reconsideration  
the court overlooked statutory and constitutional  
requirements and instead, relied on the  
Procedural default rule, which is neither  
a statutory nor a constitutional requirement  
to enforce a sentence that is in excess  
of the lawful maximum authorized by  
law. That this court, by law, can no longer  
authorize.

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③ Accordingly and respectfully Petitioner is not a career offender and this Court incorrectly states otherwise.

Petitioner trial counsel is ineffective and this court overlooked Petitioner Prior  argument.

Petitioner New York Robbery could only be used for career offender purposes only if it was committed after 2015 (see United States *vs* Stokeling) that effectively changed the 2nd circuit holding.

Petitioner cannot be a career offender based on a New York youthful offender.

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Wherefore, based on the foregoing  
reasons that will be fully explained  
in his accompanying brief in support,  
this court must grant this motion and  
immediately resentence or grant a new  
trial for petitioner. If questions loom,  
an evidentiary hearing should be ordered  
and counsel appointed

Dated 2/21/22

Respectfully Submitted,

Felder, T  
Tyron Felder  
71371-054  
USP Allenwood  
P.O. Box 3000  
White Deer, PA 17887

Petitioner, Pro. se

Because Petitioner reiterates the same arguments made in his motion for reconsideration, Petitioner has not met the high standard of demonstrating clear error or manifest injustice in the Court's Opinion on that motion. *Kolel Beth Yechiel Mechil of Tartikov, Inc. v. YLL Irrevocable Tr.*, 729 F.3d 99, 104 (2d Cir. 2013). His motion for reconsideration of the Court's Opinion on his prior motion for reconsideration is therefore denied. The Clerk of Court is respectfully directed to mail a copy of this order to Petitioner.

SO ORDERED.

Handwritten signature of Valerie Caproni in blue ink, with the date 3/2/22 written below it.

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE



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INMATE NAME/NUMBER: FELDER 31371-050  
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Southern District of New York  
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